

**U.S. Department of Labor**

Occupational Safety and Health Administration  
201 Varick Street, Room 670  
New York, New York 10014  
Tel: (212) 337-2378  
Fax: (212) 337-2371



Reply to the attention of:

June 24, 2011

Mr. Joel Shufro  
New York Committee for Occupational  
Safety and Health  
116 John Street, Suite 604  
New York, NY 10038

Re: Occupational Safety and Health Administration's role in post September 11, 2001, World Trade Center activities  
FOIA # 650987

Dear Mr. Shufro:

This is in response to your Freedom of Information request dated April 2, 2007 and received in our Regional Office on May 4, 2011 requesting records concerning Occupational Safety and Health Administration's role in post September 11, 2001, World Trade Center activities. These records are now available and have been enclosed for your information.

You will note some information has been removed from the documents. This is authorized under the rules and regulations, including exemptions, contained in the Freedom of Information Act and 29 CFR Part 70. Actual sections deleted are indicated on Attachment #1, with numbered exemptions noted in each case. For specific numbers and wording of exemptions, please refer to Attachment #2.

Since the determination was made that the information provided was considered as primarily benefiting the general public, all fees have been waived.

You may file an appeal of this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for appeal, including any supporting statements or arguments. To facilitate processing, you may wish to fax your appeal to: (202) 693-5538. The appeal should include a copy of your initial request and a copy of this letter. The appeal must be addressed to: Solicitor of Labor, U.S. Department of Labor, Room N2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If mailed, both the envelope, and the letter of appeal itself should be clearly marked: "Freedom of Information Act Appeal."

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Reply to the attention of:

**ATTACHMENT #1**

Re: Occupational Safety and Health Administration's role in post September 11, 2001, World Trade Center activities.

Listing of deletions:

1. Pages 1 through 75 – Exemption 7c
2. Page 37- Exemptions 7c and 5

Listing of documents Withheld in Full

1. Page 25 – EPA Letter dated 10/5/2001
2. Page 26 – Intra office memo dated 10/14/2001
3. Page 38- Intra office memo dated 10/20/2001
4. Pages 40 and 41 – Intra office memo dated 10/21/2001

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Reply to the attention of:

If we can be of further assistance to you, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Kulick".

Robert D. Kulick  
Regional Administrator

RDK

Enclosure

## U.S. Department of Labor

Occupational Safety and Health Administration  
201 Varick Street, Room 670  
New York, New York 10014  
Tel: (212) 337-2378  
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Reply to the attention of:

### ATTACHMENT #2

Most used exemptions paragraphs from 5 U.S.C. Section 552(b):

- #4 Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
- #5 Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Agency.
- #6 This exclusion is intended to exclude from disclosure all personal and medical files, and all private or personal information contained in other files which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
- #7 Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
- #7(C) Information pertaining to the privacy interests of individuals, including information about an individual which he could reasonably assert an option to withhold from the public at large because of its intimacy or its possible adverse effect upon himself or his family.
- #7(D) The identification of a confidential source or confidential information furnished by a confidential source.



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**NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH**

116 John Street, Suite 604, New York, NY 10038  
(212) 227-6440 fax (212) 227-9854

email [nycosh@nycosh.org](mailto:nycosh@nycosh.org)  
website [www.nycosh.org](http://www.nycosh.org)

April 2, 2007

Re: Freedom of Information Act Request

U.S. Department of Labor - OSHA  
FOIA Officer  
Rm. N3647  
200 Constitution Ave., NW  
Washington, D.C. 20210

To the OSHA FOIA officer,

Reg II - has responded

This is a request in accordance with the provisions of the Freedom of Information Act for access to copies of any and all records, notes, memoranda, emails, telephone logs, communications, summaries, reports, and documents or portions thereof pertaining to post-9/11 WTC-related:

- meetings and/or conference calls of the "EPA/Labor Superfund Safety and Health Task Force" which took place between September 11, 2001 and June 30, 2002, including but not limited to a conference call which took place on or about October 3, 2001, as cited by the OSHA document entitled "Chronology of OSHA's/Region II's World Trade Center Response Activities, September 12, 2001 - February 15, 2002."
- meetings, discussions, conversations, and any other verbal, written, or electronic interactions between OSHA and *Kelly McKinney, NYC Department of Health*, from September 11, 2001 until June 30, 2002, with regard to the issue of respiratory protection of workers at the World Trade Center site and with regard to the issue of OSHA enforcement or non-enforcement at the WTC site.
- conference calls held on or about September 13, 2001 between *representatives of OSHA, EPA national and regional offices, and the White House*, as cited in a September 13, 2001 email from Efraim Zoldan to Patricia Clark, Bonnie Friedman, Gil Gillen, and Richard Mendelson.
- discussions or announcements from September 11, 2001 until June 30, 2002 about *criteria, guidelines, or restrictions pertaining to the posting of 9/11-related environmental sampling results on government websites*, including but not limited to comments on this issue made at the September 28, 2001 6 PM EOC Safety Meeting, as cited in a September 28, 2001 email from Edward Jerome.

\* Please contact me - would any of these records be in HQ? Reg 2 provided some of the documents in 2009. Sue

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- meetings, discussions, assessments of the applicability and/or enforcement or non-enforcement of the *Hazardous Waste Operations and Emergency Response Standard (Hazwoper)* at the WTC site from September 11, 2001 until June 30, 2002.
- assistance provided to New York City *Department of Environmental Protection* on or about March 25, 2002 with regard to "contract language to address safety and health issues above and beyond OSHA standards," as cited in the OSHA document entitled "Chronology of OSHA's/Region II's World Trade Center Response Activities."
- papers, talking points, discussions, and meetings, from September 11, 2001 until the present day, pertaining to the issue of *9/11-derived short asbestos fibers*, as cited in the OSHA document entitled "Chronology of OSHA's/Region II's World Trade Center Response Activities."
- interactions within OSHA and between OSHA and EPA concerning the designation or non-designation of the WTC site as a *hazardous waste site*, as cited in a September 25, 2001 email from Patricia Clark to John Henshaw.
- designation of the WTC site as a *construction site rather than as a demolition site*, as cited in an October 7, 2001 email from Philip Peist to Louis Ricca.
- requests from FEMA, and OSHA's responses, as to whether *federal marshals* "could enforce safety and health on the site," as cited in "WTC Update 30 - (10/26/01)."
- presentations by OSHA to the Labor/Management Site Safety and Health Committee meetings on "*OSHA safety and health hazard trend data and PPE compliance rate data*," including but not limited to presentations made from January 17 through May 10, 2002, as cited in the OSHA document "Chronology of OSHA's/Region II's World Trade Center Response Activities."
- interactions with *New York City agencies and/or representatives* with regard to the City's decisions and policies of retaining authority and control over the post-9/11 World Trade Center site and the City's subsequent decision to relinquish authority and control to federal agencies, during the period from September 11, 2001 until June 30, 2002.

If documents are denied in part, please specify the exemptions claimed for each page or passage. For documents withheld in their entirety, please state the exemptions claimed and the date of and the number of pages in each document.

Please advise me of destruction of any documents and include the date of and authority for such destruction.

5/9/517

I am requesting complete sets of records, but if complete sets are not extant, I wish to be provided with any portion of the requested records that exist.

Please do not delay making any of the requested records available because other requested records have not yet been found, redacted, or otherwise prepared for release. If some of the requested records are more readily available than others, I want to see any available records at the earliest opportunity.

Disclosure of the requested documents is in the public interest because it is likely to contribute significantly to public understanding of the government operations and activities at and around Ground Zero. Additionally, release of the requested documents will not serve in any way to further the commercial interests of the requester, as NYCOSH is a non-profit educational organization. Consequently, I request that FOIA fees be waived in the public interest.

If you have any questions about this request, please contact me by telephone at 212-227-6440 extension 15, by email at [jshufro@nycosh.org](mailto:jshufro@nycosh.org), or by letter at the above address.

Please respond within twenty business days of receipt of this request, as required by the Freedom of Information Act.

Thank you in advance for your cooperation and assistance.

Sincerely,

Joel Shufro, Executive Director

**Miller, Amy - OSHA**

**From:** Clark Patricia K New York  
**Sent:** Friday, September 28, 2001 6:54 PM  
**To:** Henshaw John; Layne Raymond (Davis); I *TC*  
**Cc:** Friedman, Bonnie - OSHA; Zoldan Efraim; *TC* Adams, Nancy - OSHA; Fairfax, Richard - OSHA  
**Subject:** FW: WTC Update 17 (9/28/01)

**External Coordination:**

OSHA staff continue to meet with Bechtel reps to develop Site ES&H plan.

Command Post staff were able to get OSHA listed as an "exempted" agency which should make it easier for OSHA staff to access the site.  
(only agency credentials needed)

RA and AD Manhattan met with DDC Asst. Commissioner and Bechtel reps to discuss site S&H coordination and future course of action.

**Press and Public Relations:**

RA Clark interviewed by *NY Daily News* *TC*  
program. Reporter's focus on asbestos.

on OSHA's sampling/monitoring

Revised talking points; included in orientation packets for incoming personnel.

**Risk Assessment/Monitoring:**

NIOSH sampled for acid gases and CO yesterday.

Bechtel will get contractor to conduct air monitoring following OSHA/NIOSH recommendation.

Twenty six samples were taken today, 16 personal and 10 area for heavy metals, silica, carbon monoxide, asbestos, formaldehyde, acrylonitrile and acrolein. Sampling was also conducted using a Miran 1B. Sample results to follow.

Participated in 3PM Air Sampling Conference Call (NRT).

**Personnel Resource Coordination:**

Orientation conference call was held for all Region II staff working this weekend.

Orientation session will be conducted on Monday, 10/01 for 49 OSHA staff from Regions IV(6), V(24), VI(12) and X(7).

**Equipment Coordination:**

Additional radio telephones received to be used for coordination between all onsite teams.

**Safety Team Monitors:**

Safety hazards discussed at this morning's safety and health meeting were improper hoisting of

**Respirator Fit Testing:**

Two fixed fit check stations are being fully coordinated by OSHA; PS 89 and Albany and West Streets. We are continuing the mobile fit check station utilizing a gator vehicle which visits each entry point. When available, a second gator is used as a mobile station. Additionally, we are coordinating stations at Queens and Staten Island Landfill.

**General Information:**

The City is now taking families of the victims onto the site. OSHA staff have been informed to provide assistance in a respectful manner when requested.

Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Monday, October 01, 2001 6:48 PM  
To: <sup>7C</sup> Henshaw John; Layne Raymond (Davis); <sup>7C</sup>  
Subject: FW: WTC Update 18 -

-----Original Message-----

From: <sup>7C</sup>  
Sent: Monday, October 01, 2001 6:21 PM  
To: Clark Patricia K New York  
Subject: WTC Update 18 -



wtc18.wpd (18 KB)

## WTC Update 18 - (10/01/01)

### External Coordination:

- Congressional delegation visited site today. PPE including respirators made available for all members by Bechtel.
- Whistle blower Manager (Gilmartin) and <sup>7C</sup> ) escorted DOL Inspector General, Gordon S. Hedell and his <sup>7C</sup> to the site today. IG Hedell met with OSHA staff at PS89. He praised them for a job well done and stated he and the country were very appreciative of their hard work. He stated he was very impressed with the OSHA/DOL operation.
- Beginning 10/01/01, Health and Medical Section of Command Post which includes OSHA will be staffed from 7:00am to 10:00pm. Site operations will continue around the clock. Arrangements made for night contact.
- Bechtel provided a draft Site EH&S Plan. Comments due by Tuesday, 10/02/01. Final document expected to be effective Friday, 10/05/01.
- NYCDOT expected to paint a green line around the site demarcating the hot zone.
- NIOSH is expected to leave the site Thursday, 10/04/01.
- A visitor orientation sheet drafted by Bechtel to delineate the necessary PPE to be worn at the site. Plan for viewing platform still in progress. Progress is being achieved in getting visitors to wear PPE.

### Press and Public Relations:

- OSHA is working with EPA to coordinate joint press release.
- OSHA web page updated with sampling results and linked to EPA's site.
- OSHA is being praised for our "outreach" efforts in supplying respirators and other PPE throughout the site utilizing generators as mobile stations.

### Risk Assessment/Monitoring:

- Bechtel will soon have an IH sampling contractor onsite. Bechtel planning to post sampling results by area on a public bulletin board.
- NIOSH conducted personal CO sampling of a worker near Church St. operating a gasoline cut-off saw. A 33 minute sample had a result of 221 ppm. The IDLH level for

CO was exceeded during this sampling period on more than one instance for up to 3 minutes. A NIOSH CO Alert is being made available to contractors. Bechtel is also including in their Toolbox meetings.

OSHA conducted 9 personal samples for CO in the hot zone utilizing data loggers with results ranging from 1-15 ppm.

OSHA continues to sample for asbestos in and around the debris pile. The highest sample results to date are 0.114 fibers/cc and 0.099 fibers/cc. The first sample (0.114) came from a Bobcat operator on 9/23/01 working between buildings #1 and #6. TEM analysis reveals <0.010 fibers/cc. The second sample was taken on 9/26/01 from a laborer loading debris on trucks. TEM analysis not yet available.

Due to concerns of excessive dust exposure at the Marine Transfer Stations, we are conducting sampling at these locations. Analysis not yet available.

Several silica samples were taken by OSHA in and around the debris pile. The majority of the results reveal none-detected. The highest result to date reveals 44% of the allowable limit (18% quartz). Samples taken in the warm zone reveal none-detected.

We have taken 53 samples to date for lead and other heavy metals in and around the debris pile. (45 of 53 were personal samples). Inorganic lead results for burners range from 17ug/m<sup>3</sup> to 25ug/m<sup>3</sup>. Cadmium results range from .003 - .005 mg/m<sup>3</sup>. Iron Oxide, 0.08 - 5.5 mg/m<sup>3</sup>, Copper fume .005 - .015 mg/m<sup>3</sup> and Zinc Oxide 0.06 - 0.3 mg/m<sup>3</sup>.

Personal samples for organic compounds have been taken for workers on the debris pile. Analysis not yet available.

Twenty eight samples were taken today, 10 area and 18 personal for asbestos, silica, lead and other heavy metals, benzene and CO. Screening was also done with Draeger tubes for hydrogen sulfide and CO which revealed 25 ppm and 2 ppm respectively.

#### **Personnel Resource Coordination:**

A formal orientation session was held today for staff from regions IV, V, VI and X.

#### **Equipment Coordination:**

PPE requested from Cincinnati arrived today.

#### **Safety Team Monitors:**

Effective 2:30pm today, NYC DDC staff will no longer participate in the safety monitoring visits. OSHA staff will join Bechtel staff on the tours.



Bechtel will be using red danger tape to designate fall and drop zones around demolition sites. On Friday, 9/28/01, a contractor was temporarily shut down by Bechtel for throwing debris off a building from 6 stories down to street level.

Bechtel is observing only 2% compliance with wearing of eye protection. Additionally, only 30-35% compliance with respirator usage is being observed. Problems have also been noted with trucks, gators and other vehicles traveling at excessive speeds throughout the site. Hazard of falling glass continues. Efforts by Bechtel and OSHA will increase to prevent employees from eating on the debris pile. Workers in baskets continue to operate without tying off.

#### **Respirator Fit Testing:**

The OSHA plan to transition to formal fit testing is completed. Various logistical requirements are currently being negotiated with OEM before implementation.

In addition to respirators, we are distributing other PPE such as goggles, gloves, hardhats etc. via our mobile gators and at fit checking stations.

#### **General Information:**

The remains of WTC Building #4 are being taken down with a wrecking ball. It is expected to take 3-4 days. There are also plans to begin removing the piece of facade from Tower #2 which is impaled into Bankers Trust which is located at 130 Liberty.

Workers are also attempting to remove a piece of Tower #1 which is impaled in the AMEX building.

A water sample taken in the lower levels of the debris pile revealed small quantities of R-22. This is the first time any levels of Freon were detected which indicate leakage of the tanks. NYCDEP, HAZMAT, FDNY, EPA and Hudson Technology will be developing a plan for removal.

Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Wednesday, October 03, 2001 6:51 PM  
To: <sup>7C</sup> Henshaw John; Layne Raymond (Davis)  
Cc: Zoldan Efraim; Fairfax Richard-OSHA; Friedman Bonnie-OSHA;  
Subject: WTC Update 20 (10/03/01) <sup>7C</sup>



wtc20.wpd (15 KB)



ESHWTCeval.pdf  
(160 KB)

## WTC Update 20 - (10/03/01)

NOTE: Updates from today forward will occur every Monday, Wednesday and Friday

### External Coordination:

- NYCDOT initiated painting a green line around the site today to demarcate the hot zone. Additionally, a fence is being installed around the site to keep intruders out. During one of our safety tours with Bechtel, OSHA staff observed non-credentialed contractors in and around buildings. This was reported to the police and the individuals were arrested for looting the site.
- OSHA reps from the National Office and Region II participated in today's EPA/Labor Superfund Safety and Health Task Force conference call. Avenel AD Kulick summarized OSHA Region II's response to date. *TC* commented on OSHA's leadership role on a national level and our plan for emergency preparedness nationwide. *TC* expressed concern over worker safety and health hazards onsite.
- OSHA Region II rep participated in today's NRT conference call.
- NYC Dept. of Sanitation reported a haz mat contractor will identify, locate and remove 40 tons of suspected hazardous materials at the site.

### Press and Public Relations:

- OSHA EPA press release was issued today.
- FEMA Public Affairs Office will be producing a video of the rescue operations at WTC and will be filming OSHA staff conducting air sampling, respirator fit checking and safety interventions. RA Clark will be conducting an on-camera interview to talk about OSHA's role.
- *Good Morning America* reported today that an ironworker was seriously injured (several broken bones) while engaging in rescue work. An ironworker was indeed injured however, he was not on official duty and was observing the fireman remove remains of the deceased on his own time. He slipped on the debris and gashed his leg.

### Risk Assessment/Monitoring:

- IH sampling consultant hired by Bechtel, *TC* will be initiating personal sampling tomorrow with 3 - 4 staff per shift. *TC* will be following a NIOSH recommended sampling protocol. They will be assisting all prime contractors in confined space entry and conducting negative risk assessments. OSHA staff have been assisting

7C staff in getting oriented to the site as well as introducing them to key players/contractor reps onsite. OSHA and 7C will be sharing sampling data.

A personal sample for silica revealed an exposure of 2.13 times the PEL with 42% quartz. The sample was taken from an employee loading structural steel from the Winter Garden building onto a trailer. Personal monitoring for silica will continue.

Additionally, six asbestos samples from the hot zone revealed exposures at or above the PEL. Differential fiber counting will be performed to confirm presence of asbestos. Samples exceeding the PEL will not be posted on the web until all confirming analysis is complete. Higher levels of asbestos are to be expected as workers reach the lower levels of debris. Personal monitoring for asbestos in the hot zone will continue.

Samples were taken today (area and personal) for asbestos, silica, lead and other heavy metals, arsenic, benzene, toluene and formaldehyde, in and around the debris pile. Personal monitoring for these and other contaminants as necessary will continue.

The City of New York OEM reported that they are proposing to conduct biological monitoring for ~ 11,000 firefighters and other State/City workers.

#### **Personnel Resource Coordination:**

Nothing to report.

#### **Equipment Coordination:**

Continue to receive requested PPE from Cincinnati. Additional monitoring equipment has been shipped.

#### **Safety Team Monitors:**

Bechtel/OSHA staff continue to conduct interventions for serious safety hazards onsite. Recommendations have been made by Bechtel staff and others for OSHA enforcement for hazardous conditions in peripheral buildings. ( See accompanying attachment entitled, ESHWTCEVAL.PDF)

A glass damage survey was distributed by NYC DDC and Bechtel indicating which buildings needed either sidewalk sheds and/or netting. Follow up tours will be conducted to ensure compliance

#### **Respirator Fit Testing:**

NYC DOH received OSHA's proposal for transition to formal fit testing and have expressed pleasure with the plan. OSHA staff at OEM Command Post will be suggesting to NYPD that they piggy back the plan to address the needs of Police staff at the evidence

sorting site on Staten Island.

General Information:

Nothing to report

## ES&H WTC Evaluation

An overall site environmental S&H assessment was conducted on October 2, 2001 of the WTC disaster area. The primary focus was to identify any major unsafe practices or unsafe conditions that pose a threat to search and rescue personnel, cleanup workers, and support personnel on site.

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Major Concerns and proposed corrective actions are listed below:

- **Concern:** Teamsters exiting their trucks with no PPE  
**Recommended Corrective Action:** PPE should either be issued before they get to jobsite, or on entry to site, and then turned in upon exit
- **Concern:** Operators of heavy equipment frequently exiting equipment without PPE  
**Recommended Corrective Action:** Either stay in equipment or have PPE when exiting
- **Concern:** Number 1 Liberty Plaza – personnel working on window ledges on upper levels (behind the netting) with no fall protection. Believed to be hired by building owner.  
**Recommended Corrective Action:** Suggest OSHA enforcement in peripheral buildings
- **Concern:** No overhead protection on many manlifts (even new ones arriving on site)  
**Recommended Corrective Action:** Install overhead protection before use
- **Concern:** Building No. 90 West Street – Owner has people cleaning inside building with lack of communication/coordination with BOVIS (we don't know who belongs to whom on this job).  
**Recommended Corrective Action:** Suggest OSHA enforcement in peripheral buildings
- **Concern:** Individuals w/shorts and tennis shoes with no PPE near pile  
**Recommended Corrective Action:** Prohibit access to site unless wearing proper PPE and attire
- **Concern:** Park and Church wash station – trucks not stopping properly for cleaning  
**Recommended Corrective Action:** Advise/remind teamsters to stop for truck washing
- **Concern:** There are multiple fuel/oil spills where equipment maintenance is being performed (Vesey & Church and Vesey & West Broadway)  
**Recommended Corrective Action:** Contractors to have spill kits readily available when performing maintenance. Properly containerized waste oil, antifreeze, etc.

### Positive:

- Anec Area Zone 3 – General Foreman is issuing hard hats to civilians and visitors
- Use of Fall Protection is improving in most areas but still needs to be reinforced
- In the Tulley area of Zone 1 - quick response on request for proper cylinder handling equipment.

### Follow-up:

- Ironworker injury – no broken bones, puncture wound on leg. Held overnight in hospital for observation.

### General Observation:

- Individuals who are not performing assigned work should vacate the area.

## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Friday, October 05, 2001 7:30 PM  
**To:** Henshaw John; Layne Raymond (Davis)  
**Cc:** Zoldan Efraim; Kulick Robert-OSHA  
**Subject:** WTC Update 21

Please disregard the earlier version I sent. It was a draft which I was in the process of editing when we got caught up in the asbestos sampling methodology fracas!



wtc21.wpd (19 KB)

Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Friday, October 05, 2001 7:30 PM  
To: Henshaw John; Layne Raymond (Davis)  
Cc: Zoldan Efraim; Kulick Robert-OSHA  
Subject: WTC Update 21

Please disregard the earlier version I sent. It was a draft which I was in the process of editing when we got caught up in the asbestos sampling methodology fracas!



wtc21.wpd (19 KB)



## WTC Update 21 - (10/05/01)

### External Coordination:

TC from DOL Congressional Affairs Office called on behalf of Senator Schumer's Office concerning air sampling results. He was referred to OSHA's web page and stated that if necessary, our air sampling coordinator would provide further information via telephone. TC was pleased with the response.

Assistant Secretary Henshaw began to contact the principles for the five prime contractors working the debris pile to gain their support in fulfilling their responsibility for worker safety and health and to alert them to the hazardous conditions that are occurring onsite.

Under our Strategic Alliance with the Building Trades Employers' Association (BTEA) of NY & the NYC Building Trades Council (BTC), RA Clark and other staff met today with Lou Coletti, Chairman and CEO, and Henry Kita, Vice President, of BTEA. Ed Malloy, President of the BTC was unable to attend. The purpose of the meeting was to gain the assistance of BTEA in communicating and leveraging the 5 prime contractors working the debris pile to fulfill their responsibility for worker safety and health. BTEA reps were very receptive and the following action items have been agreed to:

1. BTEA will assist in arranging a meeting in OSHA's Regional Office next week between OSHA and the principles, heads of site operations and safety reps for the five main primes, Bovis, Tully, Turner, AMEC and Plaza, to discuss worker safety and health issues. Ed Malloy of the Building Trades and Bechtel representatives will also attend.
2. BTEA, OSHA and Bechtel will coordinate safety and health issues with the prime contractors.
3. A weekly work group composed of OSHA and BTEA staff will meet to discuss safety and health concerns outside the hot zone. BTEA will leverage building owners for non-member contractors creating hazardous conditions.
4. Lou Coletti of BTEA will raise safety and health issues next week at a meeting with the Mayor's office including the lack of involvement of the New York City Department of Buildings and Cranes and Derricks.
5. Lou Coletti will send a written notice to each of BTEA's members requesting that they comply with all applicable OSHA and environmental standards.
6. OSHA, Bechtel and BTEA staff will work together in developing an orientation/training program for all employees working in the hot zone.

7. Similar coordination will occur for contractors working at the Staten Island Landfill.

7C private contractor hired by Army Corp. of Engineers is developing a site safety plan for Staten Island Landfill. Several agencies such as FBI, EPA and NYPD have limited plans which will be consolidated with and/or appended to the overall plan. OSHA staff are providing comments to the plan. OSHA Avenel staff continue to attend daily safety meetings at Staten Island Landfill.

New York City Fire Department (FDNY), cutback resources to two tours of 160 personnel per tour. Each tour is 14 hours.

Bechtel continues to receive comments on the site safety plan. Next draft will be available Monday, October 8. Final document may be effective Friday, 10/12/01.

OSHA Region II rep participated in today's NRT conference call.

A decision was made at yesterday's safety meeting that no hazwoper training would be required at the site.

#### Press and Public Relations:

NBC Nightly News camera crew, cameras running, approached 7C from Region V, who was doing IH sampling. They asked her to explain what she was doing, and she did so, noting that respirators were needed for workers on the rubble pile but not necessarily for those beyond it.

FEMA camera crew interviewed RA Clark at PS 89 about OSHA's role at the disaster site and filmed OSHA staff doing fit-checking at that site. Their tape was offered on a 1:30pm satellite feed, and an OSHA staffer saw a clip on a local channel that included Pat's comments.

RA Clark spoke with 7C of Bloomberg News on OSHA asbestos sampling results vis a vis EPA sampling and some private sampling being conducted by contractors for the prime construction contractors at the rubble pile.

A paper co-written by 7C for Turner Construction, entitled, "*Preliminary Health Hazard Assessment: World Trade Center*" was distributed. The data presented in the report suggests that asbestos fibers <5 microns may present a considerable risk. OSHA staff in the National Office, Salt Lake City Lab and Region II are reviewing the report. All OSHA staff are coordinating with EPA and NIOSH to prepare coordinated talking points to address inquiries concerning this report.

#### Risk Assessment/Monitoring:

Air sampling contractor, 7C, began conducting sampling. Samples for fiberglass were

taken. Analysis not yet available.

DOH was contacted by the Teamsters yesterday regarding a grant they received from 7C to conduct sampling onsite. If this occurs OSHA will contact for coordination.

A NIOSH Interim Air Sampling report was distributed. The report covered sampling from 9/19 - 9/30/01. All personal samples for heavy metals, respirable dust, total dust, crystalline silica, volatile organic compounds, (VOCs), diesel exhaust, carbon monoxide, mercury and asbestos revealed results within acceptable limits.

#### **Personnel Resource Coordination:**

Region II staff will cover all operations on a 24 hour basis for this Saturday and Sunday with assistance from 7 members of NJ PEOSH Program. Staffing plan finalized for week of 10/08. Region II will be assisted by 46 staff from Region V and 3 staff from Region IV. Formal orientation will be conducted the morning of 10/08/01.

#### **Equipment Coordination:**

An order was submitted to FEMA for a 64' trailer to be used for an OSHA Command Center, staging area and respirator fit testing facility.

Two sampling pumps were purposely destroyed.

One gator was stolen but later recovered.

#### **Safety Team Monitors:**

Bechtel/OSHA staff continue to conduct interventions for serious safety hazards onsite. Site observations in the past two days include, lack of fall protection, gas cylinders not properly stored/separated, personnel basket with crushed top, trucks without backup alarms which were purposely disconnected, excessive noise and PPE in general not being worn.

#### **Respirator Fit Testing:**

DOH rep 7C indicated that a separate request has been submitted to FEMA for formal respirator fit testing at Staten Island Landfill. However, this plan was rejected by the FBI and the NYPD. The contractor with responsibility for coordinating the Staten Island site safety and health plan, 7C will be hiring a subcontractor, EEG to establish a qualitative fit testing system utilizing irritant smoke. This is expected to be up and running shortly. OSHA will continue to staff the fit checking operation until EEG initiates their program. OSHA reps advised the FBI and the NYPD that we do not recommend the use of irritant smoke.

It is anticipated that formal fit testing will occur at WTC site within the next month. Fit checking as coordinated and staffed by OSHA will continue until formal fit testing is in place.

Miller, Amy - OSHA

From: Clark Patricia K New York  
Sent: Sunday, October 07, 2001 3:49 PM  
To: Henshaw John  
Subject: FW: Dust Controll meeting



dust meeting.wpd  
(78 B)

Thought you should see this since the issue of fires continuing to burn will likely be the reason put forth by the Fire Dept for their continued presence & involvement in the role they are playing now.

-----Original Message-----

From: Peist, Philip [mailto:Philip.Peist@osha.gov]  
Sent: Sunday, October 07, 2001 1:55 PM  
To: Clark, Patricia-K. (New York)  
Cc: Zoldan, Efraim; Gillen, Gil; Mendelson, Richard; Peist, Philip;   
Kulick, Robert D.;   
Subject: Dust Controll meeting

10/7 - 11AM Dust Suppression meeting at Pier 92:  
Present were OEM, Bechtel, NYFD, EPA, DOH, DEP, DEC, NYCDOT, NY Sanitation Dept.

The meeting was called at the request of OEM because of the general concern about the dust being generated by debris removal and the effect it has on the general public as the surrounding areas are opened up.

Bechtel's representative, explained they had come up with 3 options:

- 1 - The NY Fire Department to continue what is doing now. Which is having two tower trucks put water on the debris in between fighting the fire.
- 2 - Have the NY Fire Department work with all of the contractors or a designated one. The contractors would supplement NYFD's efforts with water trucks.
- 3 - Have the contractors be responsible totally for dust control.

It was agreed that number 3 would be long-term solution. The problems with both 1 and 2 were discussed. The biggest problem was water supply and the needed to get water above the high debris pile. . There was a long discussion about the need to do something now. It was decided to see if NYFD could get more ladder towers at the site and use them as dedicated dust control. There was a decision for OEM, DEP, NYFD and Bechtel to go to the site and finalize the short-term plan.

18

## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Sunday, October 07, 2001 1:07 PM  
**To:** Henshaw John; Layne Raymond (Davis)  
**Subject:** FW: NY POST - 10/7 - asbestos article

Thanks Pat

Let me know if we get a call .

John

-----Original Message-----

**From:** Peist, Philip [<mailto:Philip.Peist@osha.gov>]  
**Sent:** Sunday, October 07, 2001 10:20 AM  
**To:** Clark, Patricia-K. (New York); Mendelson, Richard; Gillen, Gil;  
Edward; <sup>7C</sup>  
<sup>7C</sup> Cortez, Diana E; <sup>7C</sup>  
<sup>7C</sup>  
**Cc:** Gillen, Gil; Zoldan, Efraim; Kulick, Robert D.  
**Subject:** NY POST - 10/7 - asbestos article

Peist, Philip; <sup>7C</sup> ; Jerome,

NEW STUDY BARES

ASBESTOS THREAT

By LINDA MASSARELLA and FRANKIE EDOZIEN

NOT BREATHING EASY:

Air tests indicate there's more asbestos in the air from ground zero than the EPA led New Yorkers to believe, Newsweek reports.

- Brigitte Stelzer

October 7, 2001 -- An independent researcher confirms what New Yorkers have feared since the choreographed mayhem of Sept. 11: There's far more asbestos lingering in the air than the government would have us believe. New air and ground samplings by HP Environmental reveal the force of the explosions scattered asbestos into fibers so tiny that they evaded the Environmental Protection Agency's original tests, Newsweek reports.

HP, a top toxicology firm, was hired by one of the cleanup companies to assess health risks to employees.

The new study concludes that the tiny fibers still dusting lower Manhattan are being missed by standard microscopy techniques.

"This stuff was just crushed, just pulverized," Newsweek quotes the lead author of the testing, Hugh Granger.

"As it turns out, when we now measure and look for these very small fibers in the air and buildings, we find them, and we find them in uniquely elevated concentrations."

Granger said he found asbestos within several blocks of ground zero, even inside undamaged buildings nearby and as high up as 36 floors.

He said smaller fibers cause a greater threat than larger particles because they can travel miles through the air.

Following the Sept. 11 attack, EPA chief Christie Whitman downplayed the danger to people living near ground zero.

"Right now, there's no immediate threat to people outside the ground-zero area," she said.

But samples The Post took from some clothing two days after the disaster revealed a concentration rate of 1.5 fibers per

cubic centimeter - almost twice the rate considered safe.

City Health Commissioner Dr. Neal Cohen yesterday again denied that there were health risks to New Yorkers.

"The repeated testing done at the site as well as beyond the site has consistently shown that all the health and safety standards for asbestos have been met," he said.

## Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Monday, October 08, 2001 6:19 PM  
To: Henshaw John; Layne Raymond (Davis)  
Cc: Kulick Robert-OSHA; Friedman Bonnie-OSHA  
Subject: WTC Update 22



wtc22.wpd (17 KB)



EPAletter.jpg (174 KB)



## WTC Update 22 - (10/08/01)

### External Coordination:

Although FEMA's Urban Search and Rescue (USR) teams from outside NYC have withdrawn, FDNY continue search and rescue on site. Mayor's office, OEM still has control of the site.

EPA sent a letter to [redacted] Bureau of Regulatory and Environmental Health Services, City of New York, expressing concerns about worker safety and health issues. (See file **EPALLETTER.jpg** accompanying this update)

[redacted] from OEM, strongly requests that OSHA conduct enforcement activity onsite to address the safety hazards and lack of PPE onsite. Contractor safety and health reps, insurance companies and other agencies/organizations have expressed similar concerns. OSHA Region 2 developing proposal for phased in enforcement to include varying time lines for the cold, warm and hot zones. (See **Safety Team Monitors** section below describing near misses)

Bechtel's 2<sup>nd</sup> draft site Environmental Safety and Health Plan is scheduled to be released during today's 6:00pm safety and health meeting.

[redacted], private contractor hired by Army Corp. of Engineers distributed site safety plan for Staten Island Landfill. Plan includes a worker exposure monitoring program. Avenel AD, air sampling coordinator and assistant safety tour coordinator will visit landfill tomorrow to assess operations and determine staffing needs.

FEMA had a team of structural engineers to assess damage to surrounding buildings. A report of their results is expected soon.

[redacted], UAW, contacted RA Pat Clark to discuss worker exposure issues.

[redacted] of the Operating Engineers provided a report on safe operations of the numerous cranes onsite.

OSHA Region II rep participated in today's NRT conference call.

### Press and Public Relations:

Assistant Secretary Henshaw was interviewed by AP regarding HP Environmental study on asbestos exposure at WTC site.

[redacted] WPIX Channel 11 in New York, was scheduled for an on-camera interview

with RA Pat Clark for an update on recovery efforts at WTC. Interview, originally scheduled for 10/07, was postponed by station until a date TBA due to military action in Afghanistan.

OEM currently pleased with OSHA's sampling web page, particularly the map.

NYC Health Department issued a press release today concerning air quality in lower Manhattan.

#### **Risk Assessment/Monitoring:**

Samples continue to show occasional overexposure to lead and silica when torch cutting and burning as well as during the operation of heavy equipment on the pile.

#### **Personnel Resource Coordination:**

An OSHA staff member conducting fit checking on Staten Island tripped and fell fracturing bones in her arm. She was treated at a local hospital and released.

Formal orientation was conducted for 46 staff from Region V and 3 staff from Region IV.

#### **Equipment Coordination:**

A 40' trailer arranged for by NYCDOH to be used as an OSHA site operation center, staging area and respirator fit checking facility is en route to the site and is expected to be available onsite tomorrow.

#### **Safety Team Monitors:**

Bechtel/OSHA staff continue to conduct interventions for serious safety hazards onsite. Three near misses have been reported as follows:

1. Last night a number of firefighters were working underneath a steel beam that was being lifted off the pile. OSHA/Bechtel staff conducting a safety tour observed the hazardous situation and asked the firefighters to get out from under the beam. They reluctantly complied. Shortly after the last firefighter came out from under the load, the beam failed and sheared off nearly hitting the firefighter.
2. Over the weekend a dump truck flipped over from the load. No one was injured.
3. Over the weekend, NYC Police Department staff were on the rubble pile when they were nearly hit with a large piece of concrete.

NYDEC rep expressed concerns about unsafe conditions at Staten Island Landfill,

including methane, slope stabilization and construction of structures onsite. These and other hazards will be addressed by OSHA staff during tomorrow's tour of the site.

**Respirator Fit Testing:**

The contractor with responsibility for coordinating the Staten Island site safety and health plan, 7C hired a subcontractor, 7C to establish a qualitative fit testing system utilizing irritant smoke. This is expected to be up and running shortly. NY PESH will staff the fit checking operation at Staten Island until 7C initiates their program.

**General Information:**

Search continues for the black box recorders from both airplanes.

A visitors viewing platform is now in place. Visitors are still observed not wearing PPE.

Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Sunday, October 14, 2001 8:02 PM  
To: Henshaw John  
Cc: Mendelson Richard; Gillen Gil; Zoldan Efraim; Kulick Robert-OSHA; 7C  
Subject: 7C Enforcement plan

We're using this as talking points ) to describe our safety activities in & around the WTC Recovery Project. I launched this at the 8AM on Saturday. It was also repeated at Saturday's 6PM, & Sunday's 8AM & 6 PM. DDC, Bechtel, & a number of the Primes' safety directors were vocally supportive. No one has raised any objections. We've also alerted BTEA (a reminder really, as we had already that this was coming). As when we resumed enforcement in lower Manhattan outside the CZ, I recommend that no press release be generated.



Enforcement1015.d  
oc (24 KB)

## OSHA WTC Activities Effective 10/15/01

### Outside control zone:

- Priority unprogrammed inspections throughout the unaffected portions of Manhattan (i.e., serious complaints & referrals, accidents).
- Targeted construction inspections around the perimeter of the control zone (i.e., Fall LEP, Scaffold LEP, Trench NEP, CSHO self-referrals for other serious hazards). Targeted inspections limited to four primary construction hazards and serious PPE violations. No training or program violations. All citations reviewed by AD. These activities were initiated 10/9/01 and will continue.

### Inside control zone:

- Enforcement to commence of employers working in peripheral buildings. Excluded is all work within the "green line" (hot zone), as well as defined work by the four primes performing defined tasks on certain buildings in the surrounding area (see Thorton-Tomasetti memos dated 10/11 and 10/12 which list the excluded work). Employers who are not working for DDC's WTC Recovery Project, and hence not covered by Bechtel's site ES&H Plan, are subject to inspection. Inspections will be limited to serious violations of the four primary construction hazards and serious PPE violations. No training or program violations. All citations will be reviewed by AD. Emphasis will be on imminent danger conditions, as well as hazards created by these employers which affect other employers.
- Continue joint safety monitoring teams with Bechtel (consultation & technical assistance only).
  - Continue to track trends observed by safety monitors.
    - Follow-up on PPE / respiratory compliance rate within "green line".
- Continue joint crane inspection team (consultation & technical assistance only) (launched 10/12).
  - Report due Wed. 10/17 at next meeting with primes.
  - Follow-up planned after meeting.
- Continue to encourage primes to involve OSHA in joint job hazard analysis to address unique situations.
  - Joint JHA to address hot steel debris removed from pile (DOC-ES arriving Monday 10/15).
- Continue to evaluate policy and keep other agencies, Bechtel, and primes informed.

Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Tuesday, October 02, 2001 5:47 PM  
To: Henshaw John; Layne Raymond (Davis)  
Cc: Friedman, Bonnie - OSHA; Adams Nancy; Kulick Robert-OSHA  
Subject: WTC Update 19 (10/02/01)



wtc19.wpd (16 KB)

## WTC Update 19 - (10/02/01)

### External Coordination:

- OSHA requested help of OEM in identifying contractors working in the controlled area who are not directly engaged in the rescue effort. Hazards have been observed. Looking for contractor contacts to coordinate compliance assistance and abatement of hazards.
- OEM reported that the fire and police presence onsite will decrease in the near future.
- OSHA provided comments, due today, on Bechtel's draft Site EH&S Plan. Final document expected to be effective Friday, 10/05/01.
- NYCDOT expected to paint a green line around the site tomorrow demarcating the hot zone.
- NIOSH left the site today.
- OSHA reps from the National Office and Region II will participate in tomorrow's EPA/Labor Superfund Safety and Health Task Force conference call. We will remind the participants that this site has not been characterized as a hazardous waste site.
- OSHA Region II rep participated in today's NRT conference call.
- OSHA Region II rep served as the OSHA tripartite chair for the weekly conference call conducted by OSHA, EPA and ATSDR. This group was established by 7C  
7C advised EPA that Region II rep would serve as OSHA's chair.

### Press and Public Relations:

- OSHA continues to work with EPA to coordinate joint press release. It is expected to be released tomorrow.
- Map indicating sampling location and results is currently up on OSHA's web page. The map is expected to be interactive detailing specific results some time tomorrow.
- Received call from 7C of the New York Daily News. He will talk with 7C, SLC Lab at 5:30pm eastern time today to discuss technical aspects of asbestos sampling and analysis.
- 7C Air National Guard, praised OSHA for what he described as a great job in managing the respirator program.

### Risk Assessment/Monitoring:

- Bechtel awarded the IH sampling contract to ATC Environmental Inc.. OSHA staff will be meeting with their rep tomorrow to coordinate and discuss plans to share data.
- OSHA took several area samples in the AMEX building to characterize exposure to asbestos in the building. Partial analysis shows levels well below the standard e.g. 25<sup>th</sup> floor, .015 fibers/cc.
- Twenty one samples were taken today, 3 area and 18 personal for asbestos, silica, lead and other heavy metals, arsenic, benzene, toluene and formaldehyde, in and around the debris pile.
- NYC DDC rep reported that water and air samples taken in the area where the Freon is stored revealed very low levels of Freon. Thermal maps showing the hot zones reveal that the Freon area was not in danger.

### Personnel Resource Coordination:

- A staffing plan has been established for the week of 10/08/01 utilizing 46 staff members from Region V, 2 from Region IV and 15 from Region II. We also established a staffing plan for this coming weekend with Region II staff as well as staff from New Jersey' PEOSH Program.

### Equipment Coordination:

- Nothing to report.

### Safety Team Monitors:

- Bechtel rep reported safety teams observed fall protection hazards which were corrected immediately. Falling glass from surrounding buildings continues to be a major concern. Some buildings have installed sidewalk sheds and/or nets to mitigate the hazard. Efforts by Bechtel and OSHA will continue to eliminate hazardous conditions. The Bechtel rep praised OSHA for our cooperation, coordination and assistance in conducting the safety tours. She specifically mentioned Safety Team Coordinator 7C.

### Respirator Fit Testing:

- OSHA continues to provide NYC DOH technical expertise in developing/implementing a formal fit testing program. Formal recommendation will be provided to DOH today.
- The fit checking station located at PS89 will be moved shortly due to the reopening of the school.. It is anticipated that the new site may be located at West/Murray/Vessey Streets.



Respirator distribution has declined from 4,000 per day to 2,000 per day.

**General Information:**

Demolition of WTC Building #4 was halted today without explanation.

Workers continue to attempt to remove a piece of Tower #1 which is impaled in the AMEX building.

**Miller, Amy - OSHA**

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**From:** Clark Patricia K New York  
**Sent:** Thursday, October 18, 2001 6:25 AM  
**To:** Henshaw John; Layne Raymond (Davis)  
**Cc:** Friedman, Bonnie - OSHA  
**Subject:** FW: NYC Dept. of Health - REQUEST FOR WRITTEN RESPONSE REF: ASBESTOS ANALYSIS ISSUES

DOH told us informally that this was their way to be able to say that this was being looked into. They are not expecting a quick turnaround!! As you know we are communicating on daily/weekly conference calls with EPA & ASTDR (in DC) as OSHA's Tripartite Chair at the request of DTS. I assume these same EPA & ASTDR reps are the ones this will eventually end up with down there. Who would you like us to coordinate with in our NO (since we had already been working with Dan Crane & John Martonik we gave them a heads up) to finalize our joint response? We can add whatever input is necessary from here, but I think the issue is more a NO one than a field one in this case.

-----Original Message-----

**From:** 7C  
**Sent:** Wednesday, October 17, 2001 2:31 PM  
**To:** 7C  
**Cc:** Clark Patricia K New York; Zoldan Efraim; Gillen Gil  
**Subject:** NYC Dept. of Health - REQUEST FOR WRITTEN RESPONSE REF: ASBESTOS ANALYSIS ISSUES



NYCDOH101601.pdf  
f (223 KB)

Attached is a letter that was recieved here in the NY Regional office yesterday. I wanted to send it to you ASAP as a heads up. This request has obviously sprung from Dr.Granger's paper dated 10/2/01 that I believe you have all read. To 7C I will also be sending via FED-EX copies of the substantial attachments that accompanied the above letter. Pat has asked that we coordinate an OSHA position to be the basis for possible input into a joint response with EPA and ATSDR as requested by Mayor Guiliani's office.

Thanks

7C

## Miller, Amy - OSHA

---

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Thanks

7C

# The City of New York



## DEPARTMENT OF HEALTH

Rudolph W. Giuliani  
*Mayor*

Neal L. Cohen, MD  
*Commissioner*

*Nyc.gov/health*

October 16, 2001

Patricia K. Clark  
Regional Administrator  
United States Occupational Safety and Health Administration  
201 Varick Street  
New York, NY 10014

Dear Ms. Clark,

The Occupational Safety and Health Administration is working around the clock to help ensure the safety and health of workers involved in the rescue effort at the site of the WTC disaster. OSHA is conducting personal air monitoring for asbestos, metals, silica, and various organic compounds to characterize potential health risks to workers involved in the recovery. Sampling by EPA and others indicates that asbestos and other contaminants are present in the debris at the WTC site.

The attached documents contain independent research that suggests that commonly employed methods (specifically NIOSH method 7400 (PCM) and NIOSH method 7402 (TEM)) do not observe or report the presence of up to 96% of the asbestos actually present in air samples analyzed. These reports suggest that these sampling methods were not developed based on risk, but on available technology and historical regulatory decisions. The reports recommend specialized air sample collection protocols and analytical methods to account for the limitations of existing protocols and methods. Also attached are detailed recommendations for environmental monitoring and a sampling and quality assurance project plan developed specifically for the WTC disaster site.

This letter is a request for a written response from your office on the need, if any, to modify the current sampling program, including collection, analytical and quality control methods, to address the issues raised in the attached documents. Similar letters are being sent to the Environmental Protection Agency (EPA) and the Agency for Toxic Substances and Disease Registry (ATSDR.) I respectfully request communication between your offices and a consistent approach to this issue in support of the city's disaster response.

Letter to Patricia Clark, OSHA Region II



October 16, 2001

Thanks in advance for your assistance with this issue. The Department of Health appreciates your hard work and the vital assistance of the OSHA team. Please do not hesitate to contact me with questions or comments.

Very truly yours,

  
Kelly R. McKinney PE  
Associate Commissioner

Attachments:

1.  K. McKinney memorandum, Suggestions for Environmental Monitoring for Asbestos Associated with the Collapse of the World Trade Center, dated October 2001, United States Public Health Service.
2. Attachment to  memo: Sampling and Quality Assurance Project Plan, Revision 0, Environmental Monitoring for Asbestos Associated with the Collapse of the World Trade Center
3. Phase 2 Sampling and Quality Assurance Project Plan, Revision 0, for Libby, Montana, Evaluation of Exposure to Airborne Asbestos Fibers During Routine and Special Activities, Peronard et al, USEPA, March 2001
4. Workplan for the Assessment of Exposure and Risk from Emissions from Southdown Quarry, State of New Jersey Department of Health, 8/9/00
5. The Release of Dispersed Asbestos Fibres from Soils, Addison et al, Institute of Occupational Medicine, Edinburgh, September 1988, NIOSH 00190884
6. Preliminary Health Hazard Assessment: World Trade Center, Granger et al, HP Environmental, October 2, 2001.

Copy: 

7C

From: Clark Patricia K New York  
Sent: Saturday, October 20, 2001 6:31 PM  
To: Henshaw John  
Subject: Update

We were brief re the note about Bechtel pulling out & 7C plans, as I'm never sure how far & wide these updates get distributed.

We are all very concerned about this changeover. On Friday morning I had a private talk with 7C at his request. He's very concerned about what's going to happen as this occurs. He explained that there was still some very remote change that Bechtel would stay, but after the rest of his conversation, I doubt it. 7C says that 7C would like them to stay, but that Bechtel wants to be the Construction Mgr for the site, not just have 7C responsibility. Evidently 7C will not agree to that.

He told me that he thought 7C was going to send in a proposal to take over the 7C mgt & that it would likely be at a lower resource level than Bechtel's (particularly re people "walking the site".) He said they would probably have 4-5 per shift for this. He also told me he had started out in the field as a construction safety loss control rep for them for 10 yrs. However, I got a very different story when later that morning I ran into a group of folk (who had stopped at our fit checking station to get fitted & get respirators - they were going to do a walkaround to acquaint themselves with the site). The head of the group reminded me that I knew him (he's in the 7C chapter to whom I speak each yr). He then explained that he was 7C: 7C would be overseeing the project. When I explained what we had been doing with Bechtel & mentioned that we'd like to work out something similar with them, he told me definitely & said they would have a rep on site around the clock (in 3 shifts). He then went on to say that that these people would be overseeing the site & attending all the mtgs re 7C!! When I explained that we had 6/shift who were hooked up with 6 from Bechtel, as well as a 4 person crane team who also worked with Bechtel, he said that 7C was never planning on doing this type of work. They bid the job expecting that Bechtel would do that. When I said I thought that was preparing a proposal to pick up the 7C site mgt, he said no, that they didn't have the people to do that. Their people were into mgt oversight, not hazard id & control.

Ex 5

Ex 5

## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Monday, October 22, 2001 6:21 AM  
**To:** Henshaw John  
**Subject:** FW: Required Respiratory Protection Zone

Gil & I met with Kelly McKinney, Associate Commission - NYC DOH, on Saturday to discuss redefining the required Respiratory Protection Zone (RPZ). We have been bombarded by the contractors, other Agencies, & our own folk about the problem with the "25' from the rubble rule". Virtually no one is following it except our people (under threat of banishment) & it certainly send a mixed message when we say all the sampling data is negative except for the pile & certain specific tasks. Kelly asked me to give him something in writing, so this was it.

-----Original Message-----

**From:** Clark Patricia K New York  
**Sent:** Sunday, October 21, 2001 4:15 PM  
**To:** '7C'  
**Cc:** Mendelson Richard; Gillen Gil; 7C; Peist Philip-OSHA  
**Subject:** FW: Required Respiratory Protection Zone

OSHA recommends that the required Respiratory Protection Zone (RPZ) be delineated as follows:

1. Working in, on, or over the rubble pile and
2. During the following task specific operations (cutting steel & loading/unloading trucks with dry debris) anywhere in the control zone and at the marina loading areas.

Note: This is more protective in some aspects, as our recommendation would cover task specific work in the Winter Garden, Amex, & other buildings on the West side which are currently outside the Green Line & the new Restricted Area.

OSHA worker personal sampling data (over 1000 samples) in, on, over & around the rubble pile & for task specific operations supports this change in usage requirement. In addition, we feel it is inadvisable to require usage where the risk is not established as respirators can interfere with communication, reduce visibility, & create a cardio-pulmonary burden.

We continue to support required use in the RPZ & for the task specific operations of a half-mask facepiece with triple combo cartridges (P100/acid gas/organic vapor).



Ex5

Exs

Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Thursday, October 25, 2001 12:37 PM  
To: Henshaw John; Fairfax, Richard - OSHA; Layne Raymond (Davis)  
Cc: Gillen Gil; Mendelson Richard; / 7C  
Hoffman, Kris; 7C  
Subject: RE: Dioxin at WTC

Yes, we do know about this (they are our samples which EPA had analyzed for us) - we sent the info to 7C. The original levels reported by EPA have since been modified by EPA downward. From an original level reported to us by EPA, the TEQ of 97.2 was reduced via a recalculation to 78.9 due to an EPA math error. Based upon a discussion with EPA expert, 7C this level is consistent with the levels found by EPA that were taken on the pile in the plume. He indicated that such levels would be expected with this kind of fire and would drop off dramatically away from the plume. We have requested and will be sent a copy of their entire data. EPA is in agreement with our approach now of characterizing the areas around the pile where respiratory protection is not required which was started today with samples that encompass the entire perimeter. Unfortunately the analysis takes 9 days minimum. As you know, we do not have a std for dioxin. EPA's std is an ambient one, reflecting exposure over a continuous lifetime & is based on ingestion. Cleverly was unable to indicate what this sample result meant over a short time, through an inhalation route of exposure. SLTC is also looking into this for us. -----Original Message-----

From: Henshaw John  
Sent: Thursday, October 25, 2001 11:59 AM  
To: Fairfax Richard-OSHA; Henshaw John; Layne Raymond (Davis); Clark Patricia K New York; Gillen Gil; Mendelson Richard  
Subject: RE: Dioxin at WTC

Pat et al

Do you know about these results?  
Was this in the plum?  
Have we taken / should we take samples for Dioxin?

John

-----Original Message-----

From: Fairfax, Richard 7C  
Sent: Thursday, October 25, 2001 6:48 AM  
To: Henshaw, John; Layne, Raymond  
Subject: Dioxin at WTC

Just reviewed a sample taken at the WTC (in or near the plume I believe). The sample time was greater than 24 hours. The results were very high 95.7 pg/m3. EPA is saying it is one of the highest levels they have ever seen.


I think we need to do more sampling and expand it around the area a bit to confirm and verify the sampling.

## Miller, Amy - OSHA

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





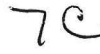
From: Clark Patricia K New York  
Sent: Sunday, October 28, 2001 5:20 PM  
To: Henshaw John  
Subject: FW: October 27 0930 meeting

-----Original Message-----

From: Clark Patricia K New York  
Sent: Saturday, October 27, 2001 1:57 PM  
To: Friedman Bonnie-OSHA  
Cc:   
Subject: FW: October 27 0930 meeting

Note 2nd bullet, paragraphs 3& 4 re EPA comments on Daily News article. Also, note City Council Mtg mention - any decision on the role we want to play?

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
From:   
Sent: Saturday, October 27, 2001 10:57 AM  
To: Peist, Philip; Clark, Patricia-K. (New York)  
Cc:  ; Jerome, Edward;  ; Cortez, Diana E;  
 ;  Mendelson, Richard; Gillen, Gil;   
 Zoldan, Eiraam;  
Subject: October 27 0930 meeting

October 27, 2001 9:30am Meeting

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## Miller, Amy - OSHA

---

**From:** Clark Patricia K New York  
**Sent:** Monday, October 29, 2001 6:10 AM  
**To:** Henshaw John; Friedman, Bonnie - OSHA  
**Cc:** Layne Raymond (Davis); Zoldan Efraim; 'Mendelson Richard-OSHA'  
**Subject:** RE: October 27 0930 meeting

The latest DOH report on I & I indicates from 9/14 to 10/24, of the 6458 total injuries, 2355 were related to construction ees.

-----Original Message-----

**From:** Henshaw John  
**Sent:** Sunday, October 28, 2001 11:36 PM  
**To:** Clark Patricia K New York; Friedman Bonnie-OSHA  
**Cc:** Layne Raymond (Davis); Zoldan Efraim; Mendelson Richard-OSHA  
**Subject:** RE: October 27 0930 meeting

Bonnie

Could you make a few calls to your media contacts and find out what the agenda is and who is invited to the City Council Mtg. Pat told me today it was going to be Thursday (below states Tuesday).

Pat - Regarding the USPHS injuries and illnesses; how many injuries and illnesses are from contractors, etc.?

John.

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**Sent:** Sunday, October 28, 2001 5:20 PM  
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**Subject:** FW: October 27 0930 meeting

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**Sent:** Saturday, October 27, 2001 1:57 PM  
**To:** Friedman Bonnie-OSHA  
**Cc:** [Handwritten: TC]  
**Subject:** FW: October 27 0930 meeting

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**Cc:** [Handwritten: TC] Jerome, Edward; [Handwritten: TC] Mendelson, Richard;  
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
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


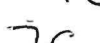

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EPA reported that a 7C of Battery Park City, a 7C, has been rather vocal and is requesting that EPA conduct soil sampling in Battery Park City. EPA has no plans to conduct soil sampling and is forwarding a request to 7C DOH and 7C. She is also requesting that various buildings be vacuumed on a daily basis and are requesting copies of EPA's sampling results. 7C NYC OEM stated that they would not be vacuuming buildings on a daily basis and that 7C can obtain EPA sampling results through EPA's website or through a freedom of information request.

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Miller, Amy - OSHA

From: Clark Patricia K New York  
Sent: Tuesday, October 30, 2001 8:28 AM  
To: Henshaw John  
Subject: FW: City Council hearing



outline and  
questions.doc (31 ...

The attachment will give you an idea of the potential tone of the mtg.

-----Original Message-----

From: 7C  
Sent: Monday, October 29, 2001 6:40 PM  
To: Clark, Patricia-K. (New York)  
Cc: 'Zoldan, Efraim HHAO'; 7C Zoldan, Efraim  
Subject: FW: City Council hearing

Pat,

I just got off the phone with F 7C (EPA public affairs). Here's the latest.  
7C spoke to 7C (NYC Dept of Government Relations) and let him know the EPA  
felt the hearing should be lead by local authorities (i.e., DOH) because the forum is not  
EPA's legislature, it's city government. He is still recommending 7C i (sp?) of  
EPA give some opening comments and let the DOH take over with discussing the sampling  
results of all agencies. If you agree with EPA and wish to have the DOH incorporate  
OSHA's information into their presentation (remember 7C I recommends against it) you can  
email the PowerPoint presentation to 7C to be incorporated into  
the preexisting DOH presentation.

7C indicated he was at a meeting during which a DDC representative (he couldn't  
remember the person's name) said he had contact with OSHA and he would talk to OSHA about  
the hearing. Do you know of such a person or recall anyone from DDC bringing up the topic?

7C was under the impression the particulars would be worked out tomorrow between DEP,  
DOH, and the Mayor's Office. I would recommend we contact them in the PM tomorrow to  
determine what form the meeting will take. If you feel strongly that OSHA do its own  
presentation you (or I can do it) may want to contact 7C directly in the AM  
to make your feelings known.

7C provided me the name of the Environmental Protection Committee's legal counsel  
may be able to give us insight into what they want. He  
says the committee is very flexible. The EPA has given talks to them in the past. If you  
would like me to contact them just say the word.

7C

-----Original Message-----

From: 7C  
Sent: Monday, October 29, 2001 5:51 PM  
To: 7C  
Subject: Re: City Council hearing

7C

7C

7C  
7C

To: 7C

cc:

Subject: Re: City Council

hearing

10/26/01 01:37 PM

Remember this is a draft!! I will send you a more finalized version next week. (See attached file: outline and questions.doc)

NYC Council Committee on Environmental Protection  
Hearing on the Environmental Impacts on Lower Manhattan  
due to the Terrorists Attacks on the World Trade Center

Committee Questions  
November 1, 2001

Testing

1. Which agency is responsible for testing?
2. What is the coordination between the agencies?
3. What are the different tests being conducted and what are you testing for? Please provide a list of materials that you are testing for. Asbestos? Lead? Fiberglass?
  - a. Do you think that you should be testing for other materials?
  - b. What size particles are you testing?
  - c. Does the size matter in terms of exposure?
  - d. Does it matter short-term as oppose to long-term?
4. How often are you conducting the tests? At what times during the day and how many tests are being conducted? Locations?
5. Please explain your testing procedures.
6. What is the difference between testing with a phase contrast microscopy versus a "more expensive electron microscopy"?
  - a. What is the difference in cost?
7. What are the results of these tests?
8. How safe is the air downtown?
9. Have you been getting reports about the air quality in the other boroughs or other parts of Manhattan?
10. Does the wind direction affect the air quality?
11. According to a October 9, 2001 Daily News Article, the EPA said repeatedly asbestos levels in outside air have only occasionally exceeded levels of concern. Please explain the risks involved to the people living and working around the site.
12. According to HP Environmental Inc., an environmental testing group said seven of 11 air samples they took in buildings three blocks from Ground Zero contained asbestos levels above federal standards. Can you comment on this.

13. Asbestos - what standard is there for outside air – you are using the inside standard. –

7C o find out

14. Why are all results of testing not being posted on EPA/OSHA (or other websites)?

15. Is there a central place to find all data/information on testing and results of the air quality.

16. Each contaminant may be within the legal threshold, what happens when they are combined? Different people may react differently from exposure.

17. Issue of Freon

18. Regarding the issue of fires that are still burning at the WTC, the NY Environmental Law and Justice Project found that the fires still burning at the WTC are sources of highly toxic combustion products, including dioxins, PCBs, furans, and other cancer-causing substances. Can you comment on this?

19. What are the different tests that are being conducted for residential buildings? Commercial buildings? What is the agencies role in overseeing these tests?

20. How much has DEP spent to date on the response to the WTC?

### Cleanup

1. What is the cleanup standard for residential buildings versus commercial buildings?

2. Is there a uniform standard for cleanup?

3. What is the agencies role in overseeing that cleanup was done properly? Who is informing the buildings on proper clean-up methods?

4. Who is in charge of enforcement that testing and cleanup was done properly?

5. What kind of equipment is needed to do this particular kind of cleanup?

6. Does a particular company need to be hired? A specialist in hazardous material cleanup?

7. Who should be responsible for cleaning? The building owner? The city? Who should pay for it?

8. Is anyone enforcing the federal cleanup laws on the site?

9. How often should the buildings be re-tested after cleanup? Daily? Weekly?

10. The streets are being washed down. How many times a day is this occurring? Do you think that this is sufficient (i.e. What happens when the streets dry and more dust accumulates)?
11. In terms of cleanup, the streets are being washed down, is there anything being done for the sidewalks/ outsides of buildings?

### Health

1. What hazardous materials were released into the air due to the collapse of the WTC's?
2. Are there other contaminants being released into the air because of the ongoing fires and removal work?
3. How do workers protect themselves – workers on the site as well as workers in the vicinity of the WTC and residents living in the vicinity of the WTC?
  - a. What are the health risks involved?
  - b. What are the possible immediate health effects of environmental exposures from the WTC?
  - c. Is there any possible long-term health effects resulting from these exposures?
  - d. Are the elderly or children at an increased risk? Are there other people that are at an increased risk to exposure, such as people with respiratory problems?
4. What are the respiratory symptoms one can experience after breathing the dust and gases at or near the site?
5. Should people be worried about health effects from asbestos at the site? 40 floors of asbestos in the WTC.
6. Where are the buildings getting their fresh air from?
7. Can you explain how the airconditioning systems are being cleaned and monitored?
  - a. How often should the filters be changed on the systems?
  - b. Who is informing buildings on what they should do?

### Trucks

1. Who is in charge of enforcement of idling trucks?
2. What is the procedure for when the trucks leave the site? (i.e hosing the trucks down, making sure they are properly covered).
3. Who is in charge of enforcing these procedures?
4. Issue of National Guard uncovering the trucks ?
5. DOS -- How is the interim contracts being affected by the WTC disaster? What are the new routes that are being taken to get out of the City? Are the trucks still going to New Jersey or are they going to new locations?

### **Education**

1. There is a barge located next door to Stuyvesant high school. Can you please explain how this is affecting the school, the students?
2. Who is in charge of overseeing that they are disposing of the waste properly at this barge?
3. Please explain your cleanup procedures at the schools around the WTC. What cleanup standard are you using? Who is monitoring your cleanup? What agency? City, State, Federal?
4. There have been reports of students and teachers at Stuyvesant High School getting sick, can you update us on this situation.
5. How are the children doing since returning to Stuyvesant? Psychological? Physical?
6. When will the other schools surrounding the WTC be reopened?
7. How often are you testing the air quality at Stuyvesant and the surrounding schools and what are the results?

### **Fresh Kills**

1. How long do you expect Fresh Kills to remain open?
2. What happens to the rubble that is being brought to Fresh Kills? Are you disposing of it there or transporting it to another location after you look through it?
3. Are we getting money from State or Federal government for reopening and operating Fresh Kills? How much is it costing to operate?

4. How much has DOS spent to date on the response to the WTC?

#### **Experts**

1. Do you have any comments, additional information, which you can add to what you heard from the agencies?

**Miller, Amy - OSHA**

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From: Clark Patricia K New York  
Sent: Friday, November 02, 2001 8:05 PM  
To: Henshaw John  
Cc: Friedman, Bonnie - OSHA  
Subject: FW: 11/2 - Mayor's press conference - re safety

I thought this would give you a better flavor of what's happening than the sanitized version I included in the NO update. The press conference for the Firefighter Unions was very brutal - they really denounced OEM, DDC, & the Mayor's Office. They say none of the FDNY or NYPD safety officers were consulted about this beforehand. No mention of us other than that they said all workers & contractors at the site should abide by OSHA & FDNY regs.

-----Original Message-----

From: Peist, Philip [mailto:philip.peist@osha.gov]  
Sent: Friday, November 02, 2001 5:26 PM  
To: Clark, Patricia-K. (New York)  
Cc: Gillen, Gil; Mendelson, Richard; 7C 7C : Cortez, Diana E;  
Jerome, Edward; 7C 7C 7C  
Subject: 11/2 - Mayor's press conference - re safety

I watched some of the Mayor's press conference today. It was about the disruption at the site today. About half of the press conference was about the disruption itself. The rest was about why there was a limit on the number of fireman working on the site. The mayor explained the reasons why the City decided to limit the number of uniform personnel at the site to 25 NYFD, 25 NYPD, 25 PA Police and whatever NYFD personnel are needed to fight the fire. The Mayor explained this was because of safety concerns. The mayor said several times that "safety" and "construction" experts had advised him that there was a need to limit the number of people at the site to those actually working because of the amount of heavy equipment moving about and the instability of the site. The Mayor then described some near misses. The Plaza collapse, a firemen who was almost hit by a swing load and had to be tackled to prevent him from being struck and the fact he saw a load within 1 ft of a fire fighter.

The mayor said that the uniform personnel were standing around waiting and were generally in the way. He said the site was shrinking but the amount of the equipment stayed the same. The mayor said a world renown safety expert had told him that this was the most inherently hazardous site in the world. The mayor said even if you follow every standard in the world it still would be a dangerous site. He said that his safety and construction experts have advised him to limit the number of people.

The mayor spoke about the need to not have another tradgey and allow somebody to get killed. The Commissioners of Police, Fire and DDC were present. They spoke briefly about this issue and were fully supportive of the decision and the need to keep the site safe.

There was a question from the press asking if this was done to limit OT to fireman and policeman. The mayor and his commissioner looked genuinely surprised. They all said no it was a safety issue. The mayor did say he thought that some of the leaders of the fireman's union did not understand this. It may be worth metioning the entire incident to OSHA peopkle working this weekend in case there is any resentment of "safety" experts by uniform people.



Miller, Amy - OSHA

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From: Clark Patricia K New York  
Sent: Tuesday, November 20, 2001 6:54 PM  
To: Henshaw John; Friedman, Bonnie - OSHA  
Subject: FW: WTC air quality hearings

I've asked our guys to update the City Council presentation in the event I have to do this. Is there some way to find out from **7C** if we're to be involved?

-----Original Message-----

From: **7C**  
Sent: Monday, November 19, 2001 7:08 PM  
To: **7C**  
- **7C**

Subject: WTC air quality hearings

I hear that **7C**, the chair of the NY State Assembly Environment Conservation Committee, will be holding hearings into WTC air quality issues in NYC on Monday, 11/26, and that **7C** the Assembly Speaker, is also intending to take up this issue. (Both are **7C** represents the lower East Side; **7C** is from Westchester.) Both are likely to pursue this vigorously.

## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Monday, November 26, 2001 6:42 AM  
**To:** Henshaw John  
**Subject:** Pat's NYS 1126Printable.ppt



Pat's NYS  
1126Printable.ppt (2.

Here's a reworked version, with only the slides which will be shown. I moved some of the slides around to give a better flow to the presentation & condensed some to better fit to my allotted time.  
Changing slide 11 as you suggest may be a problem because many of the ees in question were not wearing respirators. Also, this is the same wording I used in giving the presentation to the City Council where a hand out of the slides was available for the members & the press. If you still want me to make the change, please let me know asap, as we will need to burn a new CD & make new handouts.

5 P

## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Saturday, December 01, 2001 9:22 AM  
**To:** Henshaw John  
**Subject:** FW: WTC Summary Update 12/1

Note info re high lead results. We will continue to followup with the physician. FYI - a MAO is OSHA speak for Medical Access Order (which we need to issue to get the medical records - blood Pbs, etc.).

-----Original Message-----

**From:** 7C rt  
**Sent:** Saturday, December 01, 2001 8:13 AM  
**To:** Clark Patricia K New York; Zoldan Efraim; Gillen Gil; Mendelson Richard; Ippolito David-OSHA; 7C  
**Subject:** 7C WTC Summary Update 12/1

Attached is the latest sampling summary. Additionally, FYI on 11/20 7C found to be exposed to lead at 15X and 28X the PEL during cutting of the roof mast antenna. These employees entered into the inside of the antenna to cut using 2" torches. They were wearing 1/2 mask APR respirators. Two cassettes were taken on each employee as follows:

Employee 1: 1.0234 for 173 minutes, .4378 for 176 minutes to yield TWA of .730 mg/m3 or 14.56 XPEL  
Employee 2: 2.747 for 166 minutes, .305 for 195 minutes to yield TWA of 1.40 mg/m3 or 28.57 XPEL

Respective prime and sub-contractor and the individuals were immediately notified of their respective exposures. Note - Employee 2's 2.747 exposure would require a SAR for this individual sample. It was learned during the employer notification that Employee 1 had been transported to St. Vincents on 11/25 from the site. Initial contact has been made with his attending physician and the Chief of Neurosurgery. This employee had suffered an aneurysm or subarachnoid hemorrhage. 7C stated that he did not believe this condition was work related or linked to exposure to any "toxins". However, a MAO will be pursued and submitted for review.



12-01.wpd (32 KB)

52

## Miller, Amy - OSHA

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Employee 1: 1.0234 for 173 minutes, .4378 for 176 minutes to yield TWA of .730 mg/m3 or 14.56 XPEL  
Employee 2: 2.747 for 166 minutes, .305 for 195 minutes to yield TWA of 1.40 mg/m3 or 28.57 XPEL

Respective prime and sub-contractor and the individuals were immediately notified of their respective exposures. Note - Employee 2's 2.747 exposure would require a SAR for this individual sample. It was learned during the employer notification that Employee 1 had been transported to St. Vincents on 11/25 from the site. Initial contact has been made with his attending physician and the Chief of Neurosurgery. This employee had suffered an aneurysm or subarachnoid hemorrhage. 7C stated that he did not believe this condition was work related or linked to exposure to any "toxins". However, a MAO will be pursued and submitted for review.



12-01.wpd (32 KB)

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## OSHA SAMPLING RESULTS SUMMARY AS OF 12/01

**Asbestos:** A total of 695 air monitoring samples for asbestos have been taken. From 9/13 - 9/21, 177 samples were taken in the financial district. They were taken on OSHA personnel as they walked within certain predetermined zones. Results revealed asbestos concentrations ranging from ND (none detected) to .037 f/cc., well below OSHA's permissible exposure limit (PEL) of .1 f/cc.

After 9/21, sampling focused on the rubble pile and those workers working on or immediately next to it. 82 of the samples analyzed exceeded OSHA's limit via PCM analysis. However, upon further analysis using discriminating counting methods and/or TEM analysis, the number of asbestos fibers found dropped dramatically to below detectable levels or well below .1 f/cc.

**Carbon Monoxide:** A total of 77 personal samples of workers on the rubble pile showed results ranging from 1 ppm to 34 ppm which are well below the OSHA 50 ppm permissible exposure limit.

**Noise:** OSHA has been conducting noise monitoring in the rubble pile. 18 personal samples have been conducted on employees performing (or working near) various operations such as jack hammering, drilling and equipment operations. Employee's exposure to the noise range from 73.7 dBA to 94.5 dBA. OSHA's permissible noise exposure for construction is 90 dBA. One personal sample and one area sample during core drilling operations exceeded the OSHA noise PEL of 90 dBA. OSHA continues to recommend the use of appropriate hearing protection for workers performing tasks where high noise levels are likely to be encountered.

### Respirable

**Silica:** The overwhelming majority of the 322 silica samples show no detectable levels of airborne silica. However, the highest sample result was approximately nine times the OSHA limit on pre-drillers working on the slurry or "bathtub" wall. The only other exposures that appear to be over the PEL level were approximately twice the OSHA limit. These exposures occurred during: 1) rubble removal and loading operations near the Winter Garden; 2) during the breaking up of concrete in the pit; and 3) while drilling and coring the concrete slurry wall. All of the work areas where apparent overexposures to silica occurred were in the rubble pile; an area where OSHA continues to encourage the use of respiratory protection.

### Volatile Organic Compounds:

OSHA has taken 485 samples for (VOCs) such as acetaldehyde, acrolein, acrylonitrile, benzene, 2-butanone, carbofurans, chlorodiphenyl (PCB), ethyl benzene, formaldehyde, Freon R-22 (chlorodifluoromethane), hexone, isocyanates (e.g. MDI, TDI), perchloroethylene, phosgene, styrene, toluene, 1-3 butadiene, trichloroethylene, vinyl chloride, and xylene. Screening samples initially showed elevated levels of some organic chemicals resulting from the fires burning in the rubble pile. Subsequent personal and area samples show worker exposure levels to be below OSHA limits. However, one personal sample result for benzene was

found to be at the 8-hr. OSHA Allowable Limit concentration of 1 ppm. This was found on a 7C moving debris. See information below for polynuclear aromatics, Freon R-22, phosgene and dioxin.

**Oxides of Nitrogen/**

**Sulfur:** Sampling on 7C on the rubble pile, and on employees 7C revealed trace levels of nitric oxide and nitrogen dioxide. SO<sub>2</sub> personal and area results were found to be below OSHA limits.

**Metals:**

As of 11/29/01 OSHA has taken 507 air samples to monitor worker exposures to dusts, fumes, oxides, and other compounds of metals such as antimony, beryllium, chromium, cobalt, copper, iron, lead, manganese, molybdenum, nickel, vanadium, zinc, cadmium, magnesium, arsenic, and mercury. Results from these samples are generally well below the applicable OSHA limits. However, torch cutting and burning structural steel at the rubble pile have resulted in instances of overexposures as follows: copper (7); iron oxide (9); lead (11); and cadmium (2). Accordingly, OSHA is recommending that workers engaged in these operations wear appropriate respiratory protection.

**Ionizing Radiation:** A survey of the rubble pile was conducted on 10/22-10/23 to check for latent radiation with particular attention to alpha radiation. Preliminary results show no elevated levels.

**Dioxins:** OSHA has taken samples for dioxin and these samples were analyzed by EPA. One initial sample, representing exposure directly on the pile, showed elevated levels of dioxins when compared to ambient background levels. This value was comparable to the levels found by EPA sampling. The dioxins at this location are being emitted from the on-going rubble fire. Additional sampling was conducted around the perimeter of the pile and revealed levels that were considerably lower than those on the rubble pile. Dioxins are considered collectively as suspect human carcinogens. OSHA does not have a worker standard for dioxins. OSHA is coordinating with EPA, and the Salt Lake City Analytical Laboratory to fully assess the risk posed by the elevated levels of dioxins.

**Polynuclear**

**Aromatic**

**Hydrocarbons:**

OSHA has taken 96 samples. Sample results to date have identified several elevated samples, four of which reached or exceeded OSHA's coal tar pitch volatile PEL of 0.2mg/m<sup>3</sup>. These personal samples were taken on the pile on iron workers and grapppler operators. OSHA continues to strongly recommend the use of respiratory protection when working on the rubble pile.

**Freon R-22,  
Hydrogen Fluoride  
& Phosgene:**

OSHA has taken 47 samples for Freon R-22 (chlorodifluoromethane). Sample results received to date reveal non-detectable airborne levels. In response to information about exposure to the decomposition by-products of Freon R-22 used in the air conditioning systems of WTC towers, sampling for hydrofluoric acid

(HF) had been conducted. Results for HF revealed non-detectable levels. Sample results for phosgene to date show non-detectable levels.

ATT771924.txt

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Message Sent To:

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7C

(See attached file: grangerpts.doc)

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**Miller, Amy - OSHA**

**From:** Clark Patricia K New York  
**Sent:** Friday, December 07, 2001 6:03 AM  
**To:** Henshaw John  
**Subject:** FW: statpart4

Answers to your questions re FBI's presence at SI.

-----Original Message-----

**From:** Kulick, Robert D. 7C  
**Sent:** Thursday, December 06, 2001 8:54 AM  
**To:** Clark, Patricia-K. (New York)  
**Subject:** RE: statpart4

They originally had 40 which represented 10% of the workforce. They now have 25-30 so about 7% of the workforce. They have 3 teams of 8-10 per shift looking at evidence. They also have 2-3 safety and health types. Will get Diane S. updated draft this morning with particulars.

-----Original Message-----

**From:** Clark, Patricia-K. (New York)  
**Sent:** Wednesday, December 05, 2001 6:47 PM  
**To:** Kulick, Robert D.  
**Subject:** RE: statpart4

7C would like to know how many agents are at the site & what percentage of all ees at the site are they? Also, have we shared this with SOL? After the last time, we need to do it now & let them know the signing will be on the 12th & it's only me signing this time.

-----Original Message-----

**From:** Kulick, Robert D. [ 7C ]  
**Sent:** Monday, December 03, 2001 3:22 PM  
**To:** 7C ; Clark, Patricia-K. (New York)  
**Subject:** RE: statpart4

<<statpart4.wpd>>

-----Original Message-----

**From:** Kulick, Robert D.  
**Sent:** Monday, December 03, 2001 3:21 PM  
**To:** 7C ; Clark, Patricia-K. (New York)  
**Subject:** RE: statpart4

7C

7C per our conversation here is another copy of the draft which you will share with them. We also need to know:

1. Are both locals actively involved and willing to sign?
2. What is the exact Local #'s 14 a, b, c?????? 15 a, b c, ?????????
3. Who will sign the agreement for each local, need a name.
4. Ensure that they know they need to be present to sign on Wednesday, December 12th 10:00am at the Landfill.
5. I will get a draft copy of press release to you on Wednesday afternoon, Thursday morning the latest.

Pat 7C

7C

FBI got word from headquarters that they will not sign and do not want to be mentioned. The local FBI S&H types disagree with headquarters but of course they will follow orders from their NO. I told them that perhaps our Assistant Secretary might call over to their headquarters and they thought it wouldn't hurt having the senior execs speak to each other. The locals asked that <sup>7C</sup> not mention that they disagree with their NO. I said I am sure he will not mention that.

Schedule is for me to get final comments from them this Wednesday. I will bring final on Thursday, Dec. 6. Signing "ceremony" (all of us squeezed into the Army Corps trailer) on Wednesday Dec. 12 at 10:00am. I will also have feedback on draft press release on Wednesday and will get to <sup>7C</sup> on Wednesday afternoon.

We should sign the agreement at 10:00am. Pat, I am sure you will want to say a few words and thank everyone. Then I thought we could give you a quick tour. We can see the PPE fit testing operation on foot and tour the rest of the site by car. If you wanted to see something or talk to anyone in particular we can stop and do that. We will need to be back in the City for the 2:30 OSHA/contractor meeting. We can work out logistics as we get closer. In terms of OSHA presence, Pat, <sup>7C</sup> and perhaps the press person in case he/she gets followup questions he/she will be familiar with site and know their sensitivities as well as a press transfer strategy between the agencies.

p.s. will get feedback on OSHA NJ Newsletter on Wednesday morning.

-----Original Message-----

**From:** Kulick, Robert D.

**Sent:** Monday, December 03, 2001 2:45 PM

**To:** <sup>7C</sup>

**Subject:** statpart4

<< File: statpart4.wpd >>

69

**Miller, Amy - OSHA**

**From:** Clark Patricia K New York  
**Sent:** Saturday, January 19, 2002 9:58 AM  
**To:** Friedman, Bonnie - OSHA; Henshaw John  
**Cc:** 7C Layne Raymond (Davis)  
**Subject:** RE: Try this McKinney letter variant on

There is one addition which I would recommend relative to a small change which was made while I was in Dallas at the Hispanic/Immigrant Workgrp Mtg. Since the issue behind all of this is the size of the fibers, I feel it is important that we make it clear that the P-100 provides fiber filtration to fibers of a particular size (I don't know the level off the top of my head). To only say it's the appropriate respirator for particulates, isn't clear enough. This letter will be released & widely quoted, so we need to make the statement that the workers will be protected with these respirators for fibers even smaller than our method captures.

-----Original Message-----

**From:** Friedman, Bonnie [mailto:bonnie.friedman@osha.gov]  
**Sent:** Thursday, January 17, 2002 5:12 PM  
**To:** Henshaw, John  
**Cc:** Adams, Nancy; Clark, Patricia-K. (New York);  
Raymond  
**Subject:** FW: Try this 7C variant on

7C

- Layne,

John: As you know OSHA staff (in New York, in Salt Lake City and here in D.C.) have been working on language for the joint-agency response to the McKinney letter. The attached draft is the joint recommendation of Region II, Tech Support and Public Affairs; it includes the language that EPA and ATSDR wanted.

The recommendation is that it be signed by Pat Clark for OSHA and a comparable level official for EPA. (Pat would have sent this to you herself but she is out of the office.) We did not know if you would prefer to sign it yourself or if you wanted to discuss it others. Bonnie

-----Original Message-----

**From:** 7C  
**Sent:** Thursday, January 17, 2002 4:49 PM  
**To:** Friedman, Bonnie  
**Subject:** FW: Try this 7C variant on

-----Original Message-----

**From:** 7C  
**Sent:** Thursday, January 17, 2002 3:15 PM  
**To:** 7C  
**Subject:** Try this 7C variant on

If you have questions call me. Please let me know if I can let my EPA and ATSDR partners know what we are saying.

7C

<< 7C 20020117 Rgn 2\_SLTC.wpd>>

1.6

## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Friday, January 25, 2002 9:52 AM  
**To:** Henshaw John; Friedman, Bonnie - OSHA  
**Cc:** Gillen, Gil; Kulick, Robert D.; richard mendelson;  
Zoldan, Efraim; Cortez, Diana E; Edward  
Jerome; Peist, Philip;  
Ippolito, David;  
**Subject:** RE: 1/24 NESCAUM Meeting

Right. I think my staffer covering the mtg was trying not to overcommit, before checking with us, hence the wording. We'll make sure we are fully involved with ALL worker protection issues.

-----Original Message-----

**From:** Henshaw John  
**Sent:** Friday, January 25, 2002 9:17 AM  
**To:** Clark Patricia K New York; Friedman Bonnie-OSHA  
**Subject:** RE: 1/24 NESCAUM Meeting

I agree Pat. The paragraph states "would consider". I would make it a little stronger - e.g. we should be involved in anything that involves workers including overseeing the personnel (worker) monitoring.

-----Original Message-----

**From:** Clark Patricia K New York  
**Sent:** Friday, January 25, 2002 8:52 AM  
**To:** Friedman Bonnie-OSHA; Henshaw John  
**Subject:** FW: 1/24 NESCAUM Meeting

FYI - I think our role as suggested in the 5th paragraph is reasonable & in keeping with our mission & providing assistance to the other Agencies working on this recovery.

-----Original Message-----

**From:** Cherasard Paul  
**Sent:** Friday, January 25, 2002 8:44 AM  
**To:** Clark Patricia K New York; Zoldan Efraim; Garvey Robert  
**Cc:** Gillen Gil; Mendelson Richard;

; Kulick Robert-OSHA; Ippolito David-OSHA;

**Subject:** 1/24 NESCAUM Meeting

The Northeast States for Coordinated Air Use Management (**NESCAUM**), a consortium of state Air Resources agencies is spearheading a project aimed at reducing diesel fuel emissions at Ground Zero. The project consists of retrofitting diesel engine equipment at Ground Zero with emission control devices such as oxidation catalysts and/or diesel particulate filter-and switching to Ultra Low Sulfur Fuel (ULSF). The specific objective is to reduce emissions of particulate matter, formaldehyde, benzene, acrolein, 1-3 butadiene, carbon monoxide, and hydrocarbons from the exhaust streams of such equipment as front end loaders, backhoes, excavators, cranes, air compressors, etc..

Agencies/Organizations participating in the project (and attending this meeting) include the Environmental Protection Agency (**EPA**), the New York State Department of Transportation (**NYSDOT**), the New York State Department of Environmental Conservation (**NYSDEC**), the Manufacturers of Emission Controls Association (**MECA**). Plans are underway to invite participation by other groups representing, for example, local (near Ground Zero) communities and diesel engine manufacturers, etc.. NESCAUM is inviting OSHA to play a role in helping bring this project to completion.

This meeting, moderated by NESCAUM's as convened to finalize concept formulation, discuss strategy and the mechanics of implementation. Apparently, many obstacles remain: (1) issuance of an emergency order by the NY Governor's office to require the use ULSF without rulemaking to regulate fuel content; (2) procurement of ULSF by planned start up date of 2/1/02; (3) taking an inventory of all vehicles to be retrofitted and securing from engine manufacturers guarantees that use of ULSF will not violate

engine lubricity specifications and void warranties; (4) setting up community forum discussions before media announcements; (5) securing a buy in from City Hall; etc..

NESCAUM and the EPA appeared mindful not to overstate the public health benefits that may be expected from this project. They recognize that a number of uncontrolled factors bear on concentrations of diesel-related air contaminants at Ground Zero and in Lower Manhattan in general. Those include emissions from vehicles outside the scope of this project and particulate matter from multiple other sources associated with demolition and debris removal. For those reasons, it may not be possible to demonstrate an actual reduction in concentrations of diesel-related air contaminants even if the retrofit technology works as designed. The group's monitoring experts have yet to be consulted on a sampling strategy.

It was conveyed that OSHA would consider participating in aspects of the project that relate to reducing worker exposures to toxic air contaminants at Ground Zero. For example, possibly by assisting with air monitoring seeking to establish pre and post retrofit exposures.

Other meetings and conference calls <sup>7C</sup> scheduled: (1) 1/25 @ 11:30AM to discuss future communications and messaging issues regarding this project; (2) 1/31 @ 10:00AM to continue to discuss strategy. Further, a joint press release by all participating agencies/organizations is to be issued on or about 2/6 or some other time *BEFORE* the 2/11 Clinton/Lieberman WTC Air Quality hearing.

One additional contact person is NESCAUM's <sup>7C</sup> ~~name~~ has <sup>7C</sup> ~~name and number~~ from a matrix distributed by the EPA and may be contacting him in the future.

**Miller, Amy - OSHA**

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**From:** Clark Patricia K New York  
**Sent:** Friday, January 25, 2002 4:51 PM  
**To:** Henshaw John; Layne Raymond (Davis); Friedman Bonnie-OSHA; 7C  
**Cc:** Gillen, Gil; 7C; ...ra; Kulick, Robert D.; Mendelson Richard; Zoldan, Efraim; 7C; ; Cortez, Diana E; Jerome Edward-OSHA: 7C; Peist, Philip;  
7C  
7C, Ippolito, David; 7C  
**Subject:** More on the WTC Front

Just when I thought things might normalize after 2/11 (the suggested date for the Clinton hearing), I've learned that the new NYC City Council has decided to hold a hearing on 2/13 on that favorite topic - the air quality in lower Manhattan. The NYC DEP alerted me to the hearing & indicated that OEM et al would like us to participate again, as they feel a united panel as done in the first hearing with the former Council Committee was successful. I assume that I can say "yes"? There is a planning mtg on Tues (1/29) with all parties. They have also asked EPA. I'll check on where they are on this on Mon, as I know I'll never get anyone at EPA over the weekend!

We are working up a draft presentation for the Clinton hearing (which, I hope, would be turned into testimony - if they won't let me do my PowerPoint presentation like I did for the City Council & State Assembly hearings - by someone in the NO). We'll be working on it this weekend & we'll share early next week.

**Miller, Amy - OSHA**

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**From:** Clark Patricia K New York  
**Sent:** Sunday, February 03, 2002 11:18 AM  
**To:** Henshaw John; Layne Raymond (Davis); '7C y; Friedman, Bonnie - OSHA; Frodyma, Frank - OSHA  
**Cc:** Gillen, Gil; 7C Kulick, Robert D.; richard mendelson;  
Zoldan, Efraim; 7C ; Cortez, Diana E; Edward  
Jerome; 7C ; Peist, Philip; 7C  
7C lppolito, David;  
**Subject:** WTC Senate Hearing

At a planning mtg on 2/1, for the NYC Council hearing, EPA indicated that they were told OSHA would not be called for the Senate hearing (scheduled for 9:30AM 2/11) as the Committee did not want to step on OSHA's own "oversight" committee. Hurrah for turf guarding!! There will be a Federal panel comprised of EPA/CDC/ATSDR, an elected officials panel, a State/Local panel, & a concerned citizens panel at the Senate hearing, although no one has yet to receive invitations (even EPA). We will have someone in the audience to take notes (but be invisible) & tape it if it's on the local stations (which is quite likely).

For the City Council hearing, the plan is to use the same format we did for the first Council hearing & the State Assembly hearing (this means EPA will go first, followed by NYC DEP, NYC DOH, NYS DEC (maybe), & then the 2 most often on site - OSHA & DDC). We are all updating our presentations to reflect new issues (e.g., Hg, updated LWDII - which we should have by mid-week) & continue to emphasize the unprecedented cooperation among all agencies involved since 9/11. We'll share the updated version with you all on Monday.

690

**Miller, Amy - OSHA**

**From:** Clark Patricia K New York  
**Sent:** Wednesday, February 13, 2002 1:39 PM  
**To:** Henshaw John  
**Cc:** Gillen Gil; Mendelson Richard; 7C Kulick Robert-OSHA; 7C ; Layne Raymond (Davis);  
**Subject:** FW: respirator chronology update

This is a first draft of a chronology re respirators at WTC. This was our attempt to begin the "lessons learned" analysis. We felt that first we needed to chronicle what happened when, & then examine it for gaps, barriers, etc. We also plan to add other PPE, do something similar for risk assessment, & safety. Bob Kulick has also been keeping up an overall chronology in conjunction with Rich Fairfax's work on the Homeland Security documents.

Since fulfilling our responsibilities onsite is more than a full time job, the "lessons learned" project has been on the back burner. However, we will try to ramp this up. Any guidance you can provide re your thoughts on this would be helpful.

-----Original Message-----

**From:** 7C  
**Sent:** Wednesday, February 13, 2002 12:10 PM  
**To:** Clark, Patricia-K. (New York)  
**Subject:** respirator chronology update

<<respchronbayside.wpd>> Pat, here is the chronology to date. I am trying to track down who types up the orientation notes, perhaps in there it states when the changes were made on the zones for respirator use. Also, I read in some safety notes from the command center about 7C y recommending full face for some of the employees with excessive silica exposure. I have no info on this. Is this something that you want added into the chronology? I am sending you the workup of the number of respirators distributed. I sent it around to 7C ... concur that the numbers look accurate. Any questions give me a call. I will e-mail 7C all the documents too.

7C

7C



## Miller, Amy - OSHA

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**From:** Clark Patricia K New York  
**Sent:** Saturday, April 13, 2002 8:19 AM  
**To:** Layne Raymond (Davis); Henshaw John  
**Cc:** Zoldan Efraim; 7C  
**Subject:** FW: NYCOSH Meeting

This is the meeting John was requested for as a speaker (7C as the invitation). Following the 7C, John & I discussed whether it was wise to have an OSHA speaker as this would likely be 7C. It was decided that John would not speak, but that we would have someone there to observe & take notes.

-----Original Message-----

**From:** Zoldan Efraim  
**Sent:** Friday, April 12, 2002 3:03 PM  
**To:** 7C  
**Cc:** Clark Patricia K New York  
**Subject:** NYCOSH Meeting

Davies Layne called and inquired regarding a flyer that he and John Henshaw recently saw relative to a meeting (panel) at NYCOSH on 4/26/02. John needs to know if we have a role in it or are in an observant capacity only. Can you fill me in as Davies needs a response for John.  
Thanks.

7C

**Miller, Amy - OSHA**

**From:** Clark, Patricia K - OSHA  
**Sent:** Wednesday, September 15, 2004 10:40 AM  
**To:** Henshaw, John - OSHA; Layne, Raymond (Davis) - OSHA; 7C Ippolito, David - OSHA  
**Cc:** Gillen, Gil - OSHA; Mendelson, Richard - OSHA; Kulick, Robert - OSHA; Rodenhausen, Patricia - SOL  
**Subject:** FW: 9/11 workers' suit claims toxic exposure: 800 say they are ill because city and others failed to guard them

This is the first time we saw our name mentioned. We have rec'd no official paperwork or other contact re this as of yet.

-----Original Message-----

**From:** Kenny, Laura - OSHA  
**Sent:** Wednesday, September 15, 2004 7:39 AM  
**To:** Clark, Patricia K - OSHA; Gillen, Gil - OSHA; 7C Mannion, Cathie - OSHA; Mendelson, Richard - OSHA; Kulick, Robert - OSHA  
**Subject:** FW: 9/11 workers' suit claims toxic exposure: 800 say they are ill because city and others failed to guard them

This is a follow-up to the article Richard sent out yesterday.

-----Original Message-----

**From:** 7C  
**Sent:** Tuesday, September 14, 2004 3:41 PM  
**Subject:** 9/11 workers' suit claims toxic exposure: 800 say they are ill because city and others failed to guard them

9/11 workers' suit claims toxic exposure  
 800 say they are ill because city and others failed to guard them

Tuesday, September 14, 2004  
 BY RON MARSICO  
 Newark Star-Ledger Staff

<http://www.nj.com/news/ledger/index.ssf?/base/news-17/1095138863150430.xml>

[For an archive of more than 300 articles and documents concerning 9/11-related occupational and environmental safety and health, visit <http://www.nycosh.org/linktopics/WTC-catastrophe.html>]

NEW YORK -- More than 800 rescue and cleanup workers from Ground Zero have filed the largest post-9/11 class-action lawsuit, contending they were exposed to deadly toxins and not provided with adequate safety equipment.

The lawsuit claims Silverstein Properties, which leased the World Trade Center, and four construction companies hired to oversee the removal of the 1.5 million tons of debris "should have known that safety precautions were needed to protect the rescue workers and cleanup workers ... and anyone else exposed to the caustic dust from the airborne contamination, toxins and other substances."

The suit was filed in U.S. District Court in Manhattan on Friday, the last day set by a federal three-year statute of limitations for lawsuits related to the terrorist attack. The U.S. Environmental Protection Agency, the Port Authority of New York and New Jersey, the city of New York and the federal Occupational Safety and Health Administration also will be named as defendants pending proper notification procedures.

"These people were there trying to protect lives, save lives. Now they may lose their lives," said 7C representing the workers.

Worby said the plaintiffs -- many of whom are from New Jersey -- have been diagnosed with cancer, respiratory illnesses, skin lesions and other ailments after being exposed to contaminants like dioxin, asbestos, benzene, polychlorinated biphenyls and lead in the aftermath of the Sept. 11, 2001, attacks.

"If you were there five minutes or a year, please go see your doctor and get some type of medical testing," said John Walcott, a New York City detective who says he has contracted leukemia. "I live my life by the hour."

Between 75,000 and 100,000 workers at Ground Zero and hundreds of thousands more people living and working in the area were exposed to airborne toxins, said Worby, flanked by 13 of the plaintiffs during a news conference in Lower Manhattan. Exposed workers include those at the Fresh Kills Landfill in Staten Island, where debris was taken, he said.

"We are here today to tell you that the testing of these hundreds of thousands of people is urgent," said Worby, who expects the cost for such testing to be as much as \$1 billion.

The suit seeks unspecified compensatory damages and medical testing for the next 20 years to track all those who were exposed.

Developer Larry Silverstein, president and CEO of Silverstein Properties, issued a statement that his Manhattan company bears no responsibility.

"The rescue, recovery and cleanup of the World Trade Center site was conducted completely under the auspices and control of the Federal Emergency Management Agency and the city of New York," the statement said. "We had no control over that operation and no ability to supervise what safety precautions were taken."

Bonnie Bellow, an EPA spokeswoman, said the federal agency had not yet received notice of the lawsuit. But, she said, "EPA made it perfectly clear right from the start that workers were at risk at Ground Zero and needed to wear their respirators."

Worby singled out the EPA yesterday, saying the agency was "telling everyone that the air was clean" in the aftermath of the attacks. And he contended that inadequate protective equipment was provided to workers by their employers.

Former Gov. Christie Whitman, who headed the EPA at the time, proclaimed just days after the attack that the air in Lower Manhattan had been tested for asbestos, lead and volatile organic compounds and was found to be safe.

Whitman could not be reached for comment yesterday.

Officials from the Port Authority and city of New York said they had not received notification of the legal action. Last week, the Port Authority joined a lawsuit against Saudi Arabia, contending the kingdom provided direct or indirect aid to al Qaeda before the attacks.

One of the plaintiffs, Richard Mulhern, 45, of Croton-on-Hudson, N.Y., said he has been unable to work for a year because of ailments that include persistent asthma, which requires him to use an inhaler every day.

"I run out of breath very quick," said Mulhern, who helped fix the telecommunications system so the New York Stock Exchange could reopen the week after the attack. "I stayed and I tried to help as much as I could. I knew it was a toxic cloud."

The government is funding six separate health screening programs to monitor Ground Zero workers, but none is funded beyond 2009. Doctors and government investigators told a House subcommittee last week that the programs are not set up to detect all the serious, long-term health woes stemming from the 2001 attack and cleanup.

Also last week, the Centers for Disease Control and Prevention released a study showing that many recovery workers suffered from respiratory problems long after the cleanup concluded, and that some still battle ailments. Problems include asthma, sinusitis, constant coughing and stuffy nose, facial pains, chest tightness, wheezing and shortness of breath.

Ron Marsico covers the Port Authority. He can be reached at [rmarsico@starledger.com](mailto:rmarsico@starledger.com) or (973) 392-7860.

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injured workers, healthcare workers, attorneys, public health advocates, environmentalists and concerned citizens. . We welcome contributions of any amount to support our work, which can be made by visiting <http://www.nycosh.org> and clicking on the "Donate Now" logo.

NYCOSH's 9/11-related work is conducted in partnership with the United Church of Christ's National Disaster Ministries, with additional support from the September 11th Fund created by the United Way of New York City and the New York Community Trust.

NYCOSH is a union shop. Its staff is represented by the Paper, Allied-Industrial, Chemical and Energy Workers International Union (PACE) Local 1-149.